

Docket No.: 20241/0203481-US0
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Nobuo Mochizuki et al.

Application No.: 10/553,108

Confirmation No.: 8647

Filed: October 12, 2005

Art Unit: 1626

For: PHENYLAZOLE COMPOUND,
PRODUCTION PROCESS THEREFOR AND
ANTIOXIDANT

Examiner: Robert H. Havlin

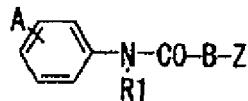
RESPONSE TO RESTRICTION REQUIREMENT

MS Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

In the Office Action mailed August 20, 2007, the Examiner has required restriction of the claims to one of the following:

Group I, claims 1-3, 5, and 6, drawn to a product of formula (1):



Group II, claim 4, drawn to a process for making a product of Group I; and

Group III, claims 7-12, drawn to a process of using a product of Group I.

The Office Action indicates that claims 1-12 are pending. However, Applicants note that claim 13 was added by a Preliminary Amendment dated October 12, 2005. Claim 13 depends from claim 2 and is directed to a product of formula (1). Therefore, Applicants respectfully submit that claim 13 should be included with the claims of Group I.

The Examiner further requires the election under 35 U.S.C. § 121 of a single disclosed species of the product defined by formula (1) for prosecution on the merits and to which the claims will be restricted should no generic claim be held to be allowable.

Applicants hereby elect, without traverse, the claims of Group I (claims 1-3, 5, 6, and 13) for examination on the merits. Applicants further elect Compound 37 (*see, e.g.*, Table 1 at page 60 of the specification) as a species of formula (1). Claims 1-3, 5, 6, and 13 read on the elected species.

It is believed that no fee is required for this response. However, should any fee be necessary in connection with the filing of this response, or if a petition for extension of time is required for timely acceptance of the same, the Commissioner is hereby authorized and requested to charge Deposit Account No 04-0100 for any such fees, and Applicants hereby petition for any needed extension of time.

Prompt and favorable action on the merits is respectfully requested.

Dated: September 19, 2007

Respectfully submitted,

By _____
Jay P. Lessler

Registration No.: 41,151
DARBY & DARBY P.C.
P.O. Box 770
Church Street Station
New York, New York 10008-0770
(212) 527-7700
(212) 527-7701 (Fax)
Attorneys/Agents For Applicant